



**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)

In re Application of: Dongping Lin

Application No.: 10/688,362

Filed: October 16, 2003

For: PUBLIC ACCESS DEFIBRILLATOR

The owner, CARDIAC SCIENCE INC., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,289,243 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 29,876

Signature

06.10.2005
Date

Tiberiu Weisz, Esq.
Typed or printed name

212 684-3900
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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02 FC:2814

10/688362

Examiner: LAYNO, CARL

GAU: 3762

Inventor: LIN, DONGPING, et al

Classification: 607/005.000

Status: 71 - RESPONSE TO NON-FINAL OFFICE ACTION ENTERED AND FORWARDED TO EXAMINER

Title: PUBLIC ACCESS DEFIBRILLATOR

All tab report (41 items sorted by nothing in no order)

Img	Status	Doc Code	Document Type	Date	Pages	Annotations
	7	A...	Amendment - After Non-Final Rejection	06/13/2005	2	
	7	CLM	Claims	06/13/2005	10	
	7	REM	Applicant Arguments or Remarks Made in an Amendment	06/13/2005	1	
	7	DIST	Terminal Disclaimer Filed	06/13/2005	2	td was apprvd. ar
	7	XT/	Extension of Time	06/13/2005	1	↑
	13	WFEE	Fee Worksheet (PTO-875)	06/13/2005	1	TD was
	7	CTNF	Non-Final Rejection	02/15/2005	6	APPROVED.
	7	892	List of references cited by examiner	02/15/2005	1	
	7	FOR	Foreign Reference	02/15/2005	11	
	7	SRFW	Search information including classification, databases and other search related notes	02/15/2005	1	
	7	FWCLM	Index of Claims	02/15/2005	1	
	7	SRNT	Examiner's search strategy and results	02/11/2005	2	
	7	A...	Amendment - After Non-Final Rejection	12/16/2004	1	
	7	SPEC	Specification	12/16/2004	1	
	7	CLM	Claims	12/16/2004	9	
	7	REM	Applicant Arguments or Remarks Made in an Amendment	12/16/2004	1	
	7	XT/	Extension of Time	12/16/2004	1	
	7	TRTC	Transmittal to TC	12/16/2004	1	
	7	WFEE	Fee Worksheet (PTO-875)	12/16/2004	1	